

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ALFRED LEE MAULDIN,

Petitioner,

v.

CIVIL ACTION NO. 5:17-cv-02312

D. L. YOUNG, *Warden, FCI Beckley*,

Respondent;

and

ALFRED LEE MAULDIN,

Petitioner,

v.

CIVIL ACTION NO. 5:17-cv-02626

D. L. YOUNG, *Warden, FCI Beckley*,

Respondent.

MEMORANDUM OPINION AND ORDER

On April 12, 2017, in Civil Action 5:17-cv-02312, the Petitioner, proceeding *pro se*, filed a *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 3 therein). By *Standing Order* (Document 4) entered on April 13, 2017, the action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

Subsequently, on May 1, 2017, in Civil Action 5:17-cv-02626, the Petitioner, proceeding *pro se*, filed a *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1 therein). By *Standing Order* (Document 3) entered on that date, the action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On March 27, 2018, the Magistrate Judge submitted a consolidated *Proposed Findings and Recommendation* (Document 25 in Civil Action 5:17-cv-02312; Document 23 in Civil Action 5:17-cv-02626) wherein it is recommended that this Court: consolidate Civil Action 5:17-cv-02312 and Civil Action 5:17-cv-02626; dismiss for lack of jurisdiction all claims other than the Petitioner's claim concerning the calculation and application of his ESGCT; and leave this matter referred to the Magistrate Judge for additional proceedings concerning the ESGCT claim.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by April 13, 2018, and none were filed by either party.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **ORDERS** that Civil Action 5:17-cv-02312 and Civil Action 5:17-cv-02626 be **CONSOLIDATED**, with Civil Action 5:17-cv-02312 being the lead case, and all

further documents to be docketed only therein. The Court further **ORDERS** that all claims other than the Petitioner's claim concerning the calculation and application of his ESGCT, be **DISMISSED** for lack of jurisdiction. Lastly, pursuant to 28 U.S.C. § 636(b)(1)(B), the Court **ORDERS** that the matter be referred back to the Honorable Dwane L. Tinsley, United States Magistrate Judge, who shall consider the pleadings and evidence therein and submit to this Court proposed findings of fact and recommendation for disposition relating to the Petitioner's ESGCT claim.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: April 30, 2018



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA